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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
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9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 VICTOR SANCHEZ-GARCIA,

13 Defendant.
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No. 2:98-cr-02073-SAB

2:98-cr-02132-SAB

**ORDER DISMISSING MOTION
UNDER 28 USC § 2255**

15 Before the Court is Defendant's Motion under 28 U.S.C. § 2255 to Vacate,
16 Set Aside, or Correct Sentence by a Person in Federal Custody, 2:98-cr-02073-
17 SAB-1, ECF No. 158; 2:98-cr-02132-SAB, ECF No. 198.

18 In his motion, Defendant asks the Court to intervene and order the Bureau
19 of Prisons to credit him for the time he served on the 51-month sentence imposed
20 in his Western District of Washington case. Defendant filed a similar request in
21 April of this year, asking the Court to enforce its Judgment pursuant to 28 U.S.C.
22 § 1651(a) and/or Fed. R. Cr. P. 60(b). In denying Defendant's request, the Court
23 informed Defendant that the proper method for obtaining review of the BOP's
24 determination regarding the enforcement of the Court's sentence is to file an
25 action pursuant to 28 U.S.C. § 2241 in the district in which he is confined and
26 against his immediate custodian. 2:98-cr-02073-SAB-1, ECF No. 149; 2:98-cr-
27 02132-SAB, ECF No. 193. As such, the Court will dismiss Defendant's § 2255
28 motion without prejudice to permit him to refile it as a § 2241 in the district in

1 which he is confined.

2 Accordingly, **IT IS HEREBY ORDERED:**

3 1. Defendant's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or
4 Correct Sentence by a Person in Federal Custody, 2:98-cr-02073-SAB-1, ECF No.
5 158; 2:98-cr-02132-SAB, ECF No. 198, is **DENIED**, without prejudice.

6 2. Defendant's Motion to Appoint Counsel, 2:98-cr-02073-SAB-1, ECF No.
7 159; 2:98-cr-02132-SAB, ECF No. 199, is **DENIED**.

8 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
9 file this Order and provide copies to Defendant.

10 **DATED** this 13th day of December 2016.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

16 Stanley A. Bastian
17 United States District Judge
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